

***TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 5, 2004***

The Tippecanoe County Commissioners met on Monday, April 5, 2004 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Ruth E. Shedd and Member KD Benson. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Commissioner and Vice President John L. Knochel was absent.)

President Shedd called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Benson moved to approve the minutes of the March 9, 2004 Joint Meeting with the County Council and Financial Consultant and the March 15, 2004 Regular Meeting as distributed, seconded by Commissioner Shedd; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Benson moved to approve the Accounts Payable Vouchers as submitted for the periods through April 5, 2004, seconded by Commissioner Shedd; motion carried.

ORDINANCE 2004-10-CM: UZO Amendment #42

Ordinance 2004-10-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Benson moved to hear and approve Ordinance 2004-10-CM, seconded by Commissioner Shedd.

(quote)

March 18, 2004
Ref. No. 04-114

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **UZO AMENDMENT #42:** An amendment to change UZO Section 3-2-2 Permitted Use Table by allowing SIC 0742 Veterinary Services by right in the OR zone.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 17, 2004, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/Sallie Dell Fahey
Executive Director

(unquote)

Area Plan Executive Director Sallie Fahey explained this amendment will allow veterinary services for animal specialties in the Office Research zone by right. It includes animal hospitals, veterinary services, and animal specialties for a variety of animals but excludes animals such as cattle, hogs, sheep, and goats.

Auditor Plantenga recorded the following vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Absent

- The motion to approve Ordinance 2004-10-CM passed 2 – 0.

ORDINANCE 2004-11-CM: Z-2170, G & L Development, Inc. PDRS to PDRS

Ordinance 2004-11-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Benson moved to approve Ordinance 2004-11-CM, seconded by Commissioner Shedd.

(quote)

March 18, 2004
Ref. No: 04-124

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2170-G & L DEVELOPMENT, INC. (Blackthorne PD)(PDRS TO PDRS):**
Petitioner is requesting the rezoning of 17.49 acres to amend an existing residential planned development, part of the larger Blackthorne mixed-density residential development. This request would allow the developer to add a second building type to the approved plan. Number and locations of the 140 condominium units in 20

buildings of 7 units each in petitioner's original plan are unchanged. Located south of US 52 between Klondike Road and CR 400 W in Wabash 3 (SE) 23-5.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 17, 2004, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no to APPROVE the motion to rezone the subject real estate from PDRS to PDRS. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on the following conditions:

Listed below are the conditions of approval from the 2001 staff report.

No additional conditions are necessary.

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section, to include:

1. All sheets (other than the preliminary plat) that make up the approved Preliminary Plan, with construction plans for all public streets and utility extensions, and a landscape plan corrected as noted in the Staff Report, and reflecting discussion with American Suburban Utilities to avoid incompatibilities;
2. A final plat, per UZO Appendix B-3-2 as applicable, submitted either with Final Detailed Plans or separately, together with surety for public improvements and improvements for common usage, and with a corrected reference as noted in the Staff Report;
3. An indication on the final plat of no access along any of the public street frontages, other than at designated private drives; and
4. Erosion and sediment control approval from the Soil and Water Conservation District, and water, sanitary sewer and stormwater management approval from Indiana-American Water, American Suburban Utilities, and the County Drainage Board.

Additionally, regarding the timing of Final Detailed Plan submission:

5. A final plat of phase 1 of Blackthorne Subdivision - containing the connection to Kerfoot Drive - must be recorded before any part of Blackthorne PD's final plat.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their April 5, 2004 regular meeting.

Sincerely,
/s/Sallie Dell Fahey
Executive Director

(unquote)

Representing the petitioner, Attorney Marianne Owen requested approval to amend an existing residential planned development, Blackthorne, to add a second building design to provide a greater housing choice.

Auditor Plantenga recorded the following vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Absent

- The motion to approve Ordinance 2004-11-CM passed 2 – 0.

IV-D COURT GRANT REQUEST: Superior Court II Judge Tom Busch

Judge Busch explained the Federal IV-D Program will reimburse 67% of the cost to operate a IV-D Court to collect Child Support payments. He said Tippecanoe County has approximately 5,000 open IV-D cases. He requested a part-time Magistrate (or Commissioner) to work two days per week, a full time Court Reporter, and two half time employees to serve in a IV-D Court. In his opinion, there is a need for a domestic relations Magistrate to free up time spent by existing judges and thinks this person could possibly fulfill the duties of a Court Administrator if the County decides to move in that direction. He suggested the full time Court Reporter can float to other courts to help reduce Overtime and thinks the two half time employees can be current staff members whose salaries can be reimbursed for the hours they work on IV-D.

Judge Busch said the Magistrate can hold hearings in the Auxiliary Courtroom and the Jury Room off the Auxiliary Courtroom should be adequate space for the Court Reporter and half time employees. Of the anticipated cost of \$135,000 for salaries and office equipment, the County will be responsible for \$45,000. Because the Magistrate will hear more cases, Judge Busch thinks IV-D reimbursements will increase. Commissioner Benson asked if the new Magistrate can be paid by the State. Judge Busch responded if a second full time Magistrate is hired and paid by the State, the County won't get the IV-D reimbursement for the staff.

If the Commissioners approve this today, Judge Busch said it will only be necessary to send a Letter of Intent to the State.

- Commissioner Benson moved to approve the creation of a new part-time Magistrate and a full time Court Reporter for a new IV-D Court, seconded by Commissioner Shedd; motion carried.
- Commissioner Benson moved to approve the preparation and filing of the grant application for a IV-D Court, seconded by Commissioner Shedd; motion carried.

HIGHWAY: Executive Director Mark Albers

OPEN BIDS

Attorney Luhman opened and read the following bids:

Bituminous Materials

Asphalt Materials, Inc.	Bid Bond	Various Prices
Marathon Ashland Petroleum LLC	Bid Bond	Various Prices
Milestone Contractors, L.P.	Bid Bond	Various Prices
Rieth Riley Construction Co., Inc.	Bid Bond	Various Prices

- Upon Attorney Luhman's recommendation, Commissioner Benson moved to take the bids under advisement, seconded by Commissioner Shedd; motion carried.

CR 650 N Reconstruction & Widening

Milestone Contractors, L.P.	Bid Bond	\$742,988.66
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Mr. Albers noted the bid amount exceeds the Engineer's estimate of \$685,629.77.

- Upon Attorney Luhman's recommendation, Commissioner Benson moved to take the bid under advisement, seconded by Commissioner Shedd; motion carried.

CR 650 N PROJECT

Warranty Deed:

Key #124-03400-0321: Parcel #5D from Sun Communities Operating L.P.

Temporary Grants of Right of Way:

Key #124-03400-0024: Parcel #5B; Sun Communities Operating L.P.

Key #124-03400-0321: Parcel #5C; Sun Communities Operating L.P.

- Commissioner Benson moved to accept the Warranty Deed and Temporary Grants of Right-of-Way for the CR 650 N Project, seconded by Commissioner Shedd; motion carried.

CR 200 N PROJECT

Warranty Deeds:

Key #114-03701-0021

Key #114-03700-0264: Parcel #17; Bill J. & Melanie K. Gardiner

Key #112-00700-0611: Parcel #28; David M. Paschke

Temporary Grants of Right-of-Way:

Key #114-03701-0021

Key #114-03700-0264: Parcel #17A; Bill J. & Melanie K. Gardiner

Key #112-00700-0611: Parcel #28A; David M. Paschke

- Commissioner Benson moved to accept the Warranty Deed and Temporary Grants of Right-of-Way for the CR 200 N Project, seconded by Commissioner Shedd; motion carried.

PERMIT APPLICATION: Close 2 Blocks of County Road in West Point

- Commissioner Benson moved to approve the application to close two (2) blocks of Washington Street located in West Point from 6:00 A.M. to 5:00 P.M., Saturday, June 5, 2004 for a car show, seconded by Commissioner Shedd; motion carried.

CERTIFICATES OF INSURANCE

- Western Reserve Group for Red Pierce Construction, Inc.
- Auto-Owners Insurance Company for Winco Construction Company, Inc.
- Pekin Ins. Co. for Allied Construction Services
- Arch Specialty Insurance, Liberty Mutual Insurance Co, Lloyds for Bennett Motor Express, Inc., Bennett Truck Transport, LLC, Bennett Distribution Svcs, Inc., Bennett Express, Inc
- Pekin Insurance, Great American Ins Co, National Casualty Company, Accident Fund ICOA for Indiana Mobile Home Transport, Inc

- ♦ Auto Owners Insurance for Grimes Construction Service LLC
- ♦ Capitol Indemnity Corporation, ICRA for Josh Waggoner DBA Millennium Group
- ♦ Hastings Mutual for Dan Field DBA Floors Unlimited
- ♦ American Family Insurance Company for Randy Shaffer
- ♦ Travelers, Insurance Co, XL Insurance Company, LTD for Indiana-American Water Company
- ♦ Cincinnati Insurance for Denmark Homes, Inc
- ♦ General Casualty Insurance Co for Adams Custom Builders Inc
- ♦ General Casualty Insurance Co for Citation Homes, Inc
- ♦ Indiana Insurance Group for Skyline Corporation of Lafayette DBA Steve Connors Homes
- ♦ General Casualty Insurance Co for Leonard Custom Homes, Inc

2004 PRIMARY POLLING PLACES: Board of Election & Registration Co-Directors Stephanie Hainje and Nora Jarmon

Mrs. Hainje explained there are a few changes in the polling places from previous elections. Some are due to address or name changes and the combining of Wabash 15 & 18 precincts due to low voter numbers. Voters will be notified of these changes.

- Commissioner Benson moved to approve the 2004 Primary Polling Places as presented, seconded by Commissioner Shedd; motion carried.

SPONSORSHIP AGREEMENT: Round the Fountain Art Fair: Representative Jane Peters

- Commissioner Benson moved to approve the Sponsorship Agreement for use of the Courthouse grounds and restrooms for the Round the Fountain Art Fair from 6:00 A.M. to 6:00 P.M., Saturday, May 29, 2004 and authorize the President to sign, seconded by Commissioner Shedd; motion carried.

PERSONNEL POLICY HANDBOOK UPDATE: Human Resources Director Frank Cederquist

Mr. Cederquist explained that Section 1.6.2, dealing with Federal Motor Carrier Safety Regulations/Safety Sensitive Positions, will be replaced by Section 9 in the Personnel Policy Handbook. He said Section 9 lays out the drug and alcohol test procedures and process.

Highway Department Safety Coordinator Denny Smith said this amendment will bring the County into compliance with mandated changes by the Federal Motor Carrier Safety Administration.

- Commissioner Benson moved to approve the update to the Personnel Policy Handbook, seconded by Commissioner Shedd; motion carried.

COUNTY EXTENSION CONTRACTUAL SERVICES AGREEMENT: Amendment #2: Agent Bryan Metzger

Mr. Metzger explained Amendment #2 to the Extension Contractual Services Agreement between the County and Purdue University extends the expiration date to December 31, 2004 and amends the salaries of the four (4) Educators to \$113,055.

- Commissioner Benson moved to approve Amendment #2 to the Extension contractual Services Agreement and authorize the President to sign, seconded by Commissioner Shedd; motion carried.

SUB-GRANT AGREEMENTS: TEMA Director Steve Wettschurack

First Responder Communications Equipment (IPSC)

Mr. Wettschurack announced at the March 15, 2004 meeting that Tippecanoe County was awarded \$218,000 from the Integrated Public Safety Commission (ISPC) for radio communication equipment for first responders. Due to the State's request for a different signature page, he requested the President's signature on the sub-grant for IPSC.

Regional Hazardous Materials Response Team Equipment

Mr. Wettschurack requested the President's signature on the sub-grant awarded to Tippecanoe County in the amount of \$140,000 because TEMA was selected to be the Regional Response Team for Haz-Mat. The funds will be used for additional equipment that includes a truck and trailer.

- Commissioner Benson moved to approve the Regional Hazardous Materials Response Team Equipment Sub-grant and the new signature page for the IPSC Grant and authorize the President to sign, seconded by Commissioner Shedd; motion carried.

CONTRACT FOR SERVICES: IDEM 205J Grant: Commissioners' Assistant Jennifer Weston

Mrs. Weston explained this is a planning grant from IDEM (Indiana Department of Environmental Management) in the amount of \$94,835 to develop a comprehensive Watershed Management Plan for Lauramie Creek that will identify water quality problems. The term of the contract is 18 months with the work to be completed in 13 months. The County plans to hire an independent contractor.

- Commissioner Benson moved to approve the 205J Grant from IDEM, seconded by Commissioner Shedd; motion carried.

ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT: Huskey & Associates, Inc.

This addendum extends the deadline for completing Phase I and Phase II Project Tasks for the feasibility study of the Tippecanoe County Juvenile Justice System to and including July 31, 2004. There are no other changes.

- Commissioner Benson moved to approve the Addendum and authorize the President to sign, seconded by Commissioner Shedd; motion carried.

TIPPECANOE VILLA APPLICATION

- Commissioner Benson moved to approve the application of Barbara R. Washburn to the Tippecanoe Villa, seconded by Commissioner Shedd; motion carried.

COMMON WAGE BOARD APPOINTMENTS

- Commissioner Benson moved to appoint Alan Parker, Betty Michael, and Carl Rohr to the Wage Board for the Tippecanoe County South River Road Project (CR 300 W to CR 500 W) and Betty Michael to the Wage Board for the City of West Lafayette's 2004 Street Resurfacing Project, seconded by Commissioner Shedd; motion carried.

REPORTS

Reports from the Treasurer, Weights & Measures, Clerk of the Circuit Court, and Mail & Duplicating are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

Upon the motion of Commissioner Benson, and second of Commissioner Shedd, the meeting adjourned.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

Ruth E. Shedd, President

John L. Knochel, Vice President

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor